

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 18, 2002

INGRAM OFFICE BUILDING
CLIVE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, March 18, 2002, in the Ingram Office Building, Clive, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Vice-Chair
Gary Priebe
Kelly Tobin
Terrance Townsend, Chair
Rita Venner, Secretary

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – 1:00 Iowa Citizens for Community Improvement

Motion was made by Rita Venner to approve the agenda. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED

APPROVAL OF MINUTES

Motion was made by Kathryn Murphy to approve the minutes of the February 18, 2002 minutes as presented. Seconded by Kelly Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Director Jeffrey R. Vonk said he had met with the Appropriations Sub-Committee and the Infrastructure Sub-Committee on next year's budget proposals for discussion purposes only and would be requesting a half a million dollars in the infrastructure budget to support the purchase of air quality monitoring equipment. He said there is a committee of twelve Legislators who have been meeting in confidence regarding the animal agriculture industry. Jeff said he expected this issue to become active again sometime in the next month. He believes this will be a good opportunity for positive change both for the industry and the environment.

Richard Oshlo said one of the Department's priorities this year dealt with the State Revolving Fund Bill, which is scheduled to be signed by the Governor later that afternoon. The Department has supported the Land Recycling Bill, which has passed the full House and the Senate Natural Resources and Environment Committee and will be moving forward. He said the Waste Tire Bill which will expand the waste tire program has also passed the full House and the Senate Natural Resources and Environmental Committee. Finally the departmental reorganization bill will be handled in as an appropriation matter.

INFORMATION ONLY

**EMERGENCY RULE AND NOTICE OF INTENDED ACTION - CHAPTER 118 -
DISCARDED APPLIANCE DEMANUFACTURING**

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Commission recently adopted revisions to Chapter 118, "Removal and Disposal of Polychlorinated Biphenyls (PCBs) From White Goods Prior to Processing." These rules were scheduled to become effective on January 16, 2002. Upon presentation of the Adopted and Filed rules to the Administrative Rules Review Committee in January, interested parties raised objections, which led to the suspension of the effective date of these rules for a period of 70 days to March 27, 2002.

The department has continued to work with regulated industries to address these concerns. The emergency amendment to subrule 118.14(2), which was adopted by the Commission in January, addressed one of the concerns raised. The revisions that are currently proposed continue the process of addressing the concerns that led to the 70-day suspension by the ARRC. The department wishes to enact these on an emergency basis to allow the full Chapter to go into affect as amended, but allow public input to determine whether any other interested parties have concerns about the subsequent revisions to Chapter 118.

The department is requesting the approval and filing of this emergency rule in order to gain approval of the full Chapter 118 by the Administrative Rules Review Committee.

(A copy of the rule is available in the Department's Record Center.)

Liz Christiansen said the Department has been working with this rule for approximately one year. Filing it emergency rule will make this portion of the rule effective at about the same time as the rule it is amending. The Department will hold a public hearing on May 14, 2002 at 1:00.

Kathryn Murphy asked if the Department anticipated any changed during the public comment period.

Scott Smith

Scott Smith said the Iowa Society of Solid Waste Organization (ISOSWO) believes that this revision will clarify the rule and therefore they have no problem supporting it.

Motion was made by Lisa Davis Cook to approve the rulemaking as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 111, FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

In June of 2001, the Commission adopted new Chapter 111, "Financial Assurance Requirements for Municipal Solid Waste Landfills." During the June meeting it was agreed that a technical advisory committee would be established to assist staff in the development of rules for closure and postclosure accounts for municipal solid waste landfills. This committee was established and their input was provided to the department in the department's development of rules establishing the requirements for closure and postclosure accounts. Additionally, the department identified inconsistencies in the recently adopted chapter that need to be addressed.

The Notice of Intended action to amend Chapter 567-111 was approved by the Commission on December 17, 2001 and filed on December 18, 2001. The Notice was published in the Administrative Bulletin on January 9, 2002. A public hearing was held on February 12, 2002 and written comments were accepted through this date.

The adoption of the new rules for closure and postclosure accounts for landfills are required by section 455B.306(8) of the Code of Iowa. The additional revisions serve to clarify the existing Chapter 111. The majority of the comments received were considered prior to the adoption of the Notice of Intended Action and the final rule represents the department's best effort to address these concerns, where appropriate. The Responsiveness Summary has been distributed to interested parties.

(A copy of the responsiveness study and the final rule are available in the Department's Record Center.)

Liz Christiansen asked the Commission to table this item for one month while the Department investigates some additional concerns that were brought to their attention.

Motion was made by Rita Venner to table the rulemaking for thirty days. Seconded by Kelly Tobin. Motion carried unanimously.

TABLED

FINAL RULE –CHAPTER 107, BEVERAGE CONTAINER DEPOSITS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Commission is requested to approve the attached amendments to Chapter 107. The Notice of Intended Action was approved by the Commission at the December 2001 meeting. Several changes have been made based on the comments received during the public comment period and public hearing.

A public hearing was held on January 29, 2002 and attended by 24 people. The department also received several written comments during the public comment period. A summary of the comments received and the department's response is also attached.

Based on the comments received, the department has revised the proposed changes to chapter 107 in the following manner:

- Rewording 107.3(5) to clarify that stamps used on beverage containers distributed through the alcoholic beverages division are required to be on the front primary label or the conical portion of the bottle.
- Rewording 107.4(4)"b"3 to clarify that a dealer and redemption center must reach an agreement regarding the containers sold and redeemed for the dealer to be exempt.
- Rewording 107.7 to clarify that containers may be refused if they contain any liquid, including liquid residue of the beverage.
- Removing changes to 107.8(2) regarding crushed plastic containers.
- Rewording 107.9(1), (2), (3) to clarify that distributors are only required to pickup the same kind, size, and brand they sell.
- Removing 107.11 "Distributor Registration"
- Removing 107.13 "Record Keeping"
- Rewording 107.16 "Payment of a refund value" to clarify that the distributor and redemption center may enter into an agreement for the distributor to pay the redemption center less frequently than weekly.

(A copy of the rule and the responsiveness summary is available in the Department's Record Center.)

Liz Christiansen said the Department has made several changes to the rule based on the comments received during the public comment period. She distributed a copy of a letter that she had received from the Iowa Soft Drink Association that morning.

(A copy of the letter from Iowa Soft Drink Association is available in the Department's Record Center.)

Kathryn Russell

Kathryn Russell owner of RR Redemption Center and spokesperson for the Iowa Redemption Centers said the distributors are supposed to pay the redemption centers within a one-week of collection, however, it is normal for the redemption centers to wait two weeks or more for such payment. They asked the Commission to approve the rule as presented.

Jerry Fleagle

Jerry Fleagle with the Iowa Grocery Industry Association distributed a written statement that outlined their objections. He said they appreciate the changes that the Department has made in this rulemaking. Their three of the four remaining objections are due to the fact that portions of the rules are contrary to the current statute. He said for that reason he requested that the Commission delay approving the rules to give them a chance to work through their objections with the Department. He outlined their objections.

(A copy of the written statement from the Iowa Grocery Industry Association is available in the Department's Record Center.)

Theresa Stiner from the Department of Natural Resources said that the concerns raised by the Iowa Grocery Industry Association have all been addressed in the responsiveness summary.

Motion was made by Darrell Hanson to approve the rulemaking as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 136, FINANCIAL RESPONSIBILITY FOR UNDERGROUND STORAGE TANKS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Director requests the Commission adopt the enclosed amendments to Chapter 136. The rule amendments update the rules. They were presented for Notice of Intended Action at the December 2001 commission meeting

The amendments remove old compliance dates for meeting financial responsibility requirements. All underground storage tanks must now meet these requirements. Reference to state assurance fund has been removed since Iowa's Underground Storage Tank Fund no longer issues insurance.

A new rule provision requires providers of financial responsibility to copy the department when notice of termination of coverage is sent to tank owners or operators. Existing rules establish a 60-day grace period for insurance mechanisms and a 120-day grace period for other mechanisms such as surety bonds, guarantees, and letters of credit during which termination of coverage is not effective. The owner or operator is required to notify the department within 60 days after receiving notice of termination if alternative coverage is not obtained. The department has never received such notification and has found underground tanks without coverage. Reliance on notice from the owner or operator has proven to be ineffective in enforcing and monitoring maintenance of financial responsibility. These owners and operators have continued to operate the tanks without coverage.

The amendments only require providers to copy the department and are not intended to condition the effectiveness of the termination of or failure to renew coverage.

A public hearing on the amendments was held January 29, 2002. No one attended the hearing. No comments on the rules were received.

(A copy of the rule is available in the Department's Record Center)

Liz Christiansen briefed the Commission on the rulemaking and said the Department received no comments regarding this rule.

Motion was made by James Braun to approve the rulemaking as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE -- CHAPTER 109, SPECIAL WASTE AUTHORIZATIONS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Commission is requested to approve the proposed new Chapter 109, "Special Waste Authorizations." The rule was developed in conjunction with an advisory committee and establishes a new chapter dedicated to special waste authorizations. The existing rule is included in a chapter that addresses a wide variety of general solid waste permitting requirements that made it difficult for the regulated community to locate the special waste requirements.

Currently, Department staff is required to make decisions on how special wastes should be managed at landfills. The proposed rule puts that responsibility on landfill managers and operators who are familiar with the landfill's operation and more capable of making those decisions. Landfills will develop and submit special waste acceptance criteria (SWAC) for their individual facilities. The SWAC will identify the special handling practices that must be followed at each landfill by the landfill operators, waste haulers and generators of special waste.

A public hearing was held January 2, 2002. Oral comments provided at the public hearing and written comments received during the public comment period are summarized in the attached Responsiveness Summary along with a description of changes made to the proposed chapter based upon these comments. Among these changes is the addition of two new sections to the rule as it was originally proposed. One, section 567--109.9 "Infectious Waste," is being reinstated based upon comments received. This rule is identical to the language currently found in 567—102.15(2)"g". It was also brought to the Department's attention that as part of this rulemaking subsections 567--102.15(1), 102.15(3) and 102.15(4) were inadvertently rescinded. To correct this oversight, these subsections are being added to the final rule as a new section entitled 567-109.10 "Other Special Wastes." The language in this new section has not changed from the provisions found in the existing Chapter 102.

At this time, the Commission is requested to approve this rulemaking to rescind existing rule 567 IAC-102.15 (455B) "Disposal of Special Waste" and to establish a new Chapter 567-IAC-109 "Special Waste Authorizations".

(A copy of the rule and the responsiveness summary is available in the Department's Record Center.)

Liz Christiansen said this rule went to public hearing on January 2 and the Department made two changes in response to the comments received.

Smith, Scott

Scott Smith said he would like to thank the Department on the behalf of ISOSWO for following through on their promise to once again include the infectious waste language.

Motion was made by Kathryn Murphy to approve the final rule as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED.

ADVANCED ENVIRONMENTAL TECHNOLOGY AT THE IOWA ARMY AMMUNITION PLANT – LOCATION AND SCHEDULE FOR THE LICENSE HEARING

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Department has issued a letter of acceptance regarding the application for site license for a hazardous waste treatment facility operated by Advanced Environmental Technology. The proposed facility is to be located at the Iowa Army Ammunition Plant in Des Moines County.

The Department staff will provide an update and Commissioners are requested to set a location and schedule for the license hearing.

(A copy of the letter of acceptance is available in the Department's Record Center)

Jon Tack said the Department has issued a notice of acceptance for the application of Advance Environmental Technology. The next step will be to determine a schedule for the submission of evidence and then hold a public hearing.

Lengthy discussion followed.

Motion was made by Kathryn Murphy to hold the public hearing in Burlington, Iowa at Southeastern Community College the evening of June 17th. Seconded by Rita Venner. Motion carried unanimously.

APPROVED

CONTRACT - IOWA STATE UNIVERSITY – LAKE MONITORING SERVICES

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Department requests Commission approval of a \$320,227 contract amendment (Amendment Number 2) with Dr. John Downing and the Iowa State Water Resources Research Institute to continue lake monitoring services for the time period of June 1, 2002 through June 30, 2003.

The original contract was for \$474,539 and the total contract amount to date is \$1,169,467. The contract is titled: Iowa Lakes Survey, 2000 - 2004.

The purpose of this contract is to collect and analyze a wide variety of water quality parameters from 132 publicly owned lakes throughout Iowa. This data will be used to understand lake water quality, spatial and temporal variability, and to identify and understand water quality trends. This amendment will extend services for the third year of a proposed five-year study of lakes and will include the first systematic examination of heavy metals in Iowa's lakes. The contractor successfully conducted the first and second years of the program.

Funding for this contract is available from RIIF state funds as a part of the Environment First Funds - Water Quality Initiative.

Table 1. Water quality analyses to be performed in this survey.

Analyzed Regularly from Mixing Zone Integrated Samples	Depth Profiles Analyzed 3-times each Summer
Chlorophyll and Pigment Profile (chemical)	Temperature
Phytoplankton Composition	pH
Zooplankton Composition	Dissolved O ₂
Secchi Disk Transparency	Total Dissolved Solids
Total Phosphorus	Specific Conductivity
Dissolved Phosphorus	Turbidity
Nitrate plus Nitrite	Chlorophyll 'a' (fluorometric)
Ammonia	
Unionized Ammonia	
Total Nitrogen	
Silica	
Alkalinity	
PH	
Total Suspended Solids	
Inorganic Suspended Solids	
Volatile Suspended Solids	
Particle size distribution	
Analyzed Once - Year 3	
Total Arsenic	
Total Beryllium	
Total Cadmium	
Total Chromium	
Total Copper	
Total Lead	
Total Mercury	
Total Nickel	
Total Selenium	
Total Silver	
Total Zinc	

Table 2. Proposed Budget 2000-2004

Budget Category	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	Project Total
Salaries / Hourly	111,519	117,095	122,950	129,097	135,552	616,213
Payroll Benefits	19,779	20,768	21,806	22,897	24,041	109,291
Equipment > \$2000	215,000	18,000	18,000	15,000	15,000	281,000
Travel Domestic	55,090	57,033	59,072	61,214	63,462	295,871
Supplies / Materials	26,000	26,000	26,060	26,000	26,000	130,000
Telecom Charges	8,000	8,000	8,000	8,000	8,000	40,000
Computer Usage	1,000	2,000	2,000	2,000	2,000	9,000
Printing / Copying	2,000	2,000	2,000	2,000	2,000	10,000
Postage	1,000	1,000	1,000	1,000	1,000	5,000
Services / UHL Analyses	0	76,230	28,318	84,044	31,287	219,939
Other Direct	0	7,300	7,300	7,300	7,300	29,200
Total Direct Charges	\$439,388	\$335,425	\$296,506	\$358,551	\$315,643	\$1,745,514
Indirect Charges at 8%	\$35,151	\$26,834	\$23,721	\$28,684	\$25,251	\$139,641

Total Amount	\$474,539	\$362,259	\$320,227	\$387,235	\$340,894	\$1,885,155

Table 3. List of Lakes.

No.	Lake Name	No.	Lake Name
1	Arbor Lake	46	Indian Lake
2	Arrowhead Lake	47	Ingham Lake
3	Arrowhead Pond	48	Kent Park Lake
4	Avenue of the Saints Lake	49	Lacey Keosauqua Park Lake
5	Badger Creek Lake	50	Lake Ahquabi
6	Badger Lake	51	Lake Anita
7	Beaver Lake	52	Lake Cornelia
8	Beeds Lake	53	Lake Darling
9	Big Creek Lake	54	Lake Geode
10	Big Spirit Lake	55	Lake Hendricks
11	Black Hawk Lake	56	Lake Icaria
12	Blue Lake	57	Lake Iowa
13	Bob White Lake	58	Lake Keomah
14	Briggs Woods Lake	59	Lake Manawa
15	Browns Lake	60	Lake McBride
16	Brushy Creek Lake	61	Lake Meyer
17	Carter Lake	62	Lake Miami
18	Casey Lake (aka Hickory Hills Lake)	63	Lake Minnewashta
19	Center Lake	64	Lake of the Hills
20	Central Park Lake	65	Lake of Three Fires
21	Clear Lake	66	Lake Orient
22	Cold Springs Lake	67	Lake Pahoja
23	Coralville Lake	68	Lake Smith
24	Crawford Creek Impoundment	69	Lake Sugema
25	Crystal Lake	70	Lake Wapello
26	Dale Maffitt Lake	71	Little River
27	Deer Creek Lake	72	Little Sioux Park Lake
28	DeSoto Bend Lake	73	Little Spirit Lake
29	Diamond Lake	74	Little Wall Lake
30	Dog Creek (Lake)	75	Littlefield Lake

No.	Lake Name	No.	Lake Name
31	Don Williams Lake	76	Lost Island Lake
32	East Lake (Osceola)	77	Lower Gar Lake
33	East Okoboji Lake	78	Lower Pine Lake
34	Easter Lake	79	Manteno Lake
35	Eldred Sherwood Lake	80	Mariposa Lake
36	Five Island Lake	81	Meadow Lake
37	Fogle Lake	82	Meyers Lake
38	George Wyth Lake	83	Mill Creek (Lake)
39	Green Belt Lake	84	Mitchell Lake
40	Green Castle Lake	85	Moorhead Lake
41	Green Valley Lake	86	Mormon Trail Lake
42	Hannen Lake	87	Nelson Park Lake
43	Hawthorn Lake (aka Barnes City Lake)	88	Nine Eagles Lake
44	Hickory Grove Lake	89	North Twin Lake
45	Hooper Area Pond	90	Oldham Lake

No.	Lake Name		
91	Otter Creek Lake		
92	Ottumwa Lagoon		
93	Pierce Creek Lake		
94	Pleasant Creek Lake		
95	Poll Miller Park Lake		
96	Prairie Rose Lake		
97	Rathbun Lake		
98	Red Haw Lake		
99	Red Rock Lake		
100	Roberts Creek Lake		
101	Rock Creek Lake		
102	Rodgers Park Lake		
103	Rudd Lake		
104	Saylorville Dam		
105	Silver Lake		
106	Silver Lake		
107	Silver Lake		
108	Silver Lake		
109	Slip Bluff Lake		
110	South Prairie Lake		
111	Spring Lake		
112	Springbrook Lake		
113	Storm Lake (incl Little Storm Lake)		
114	Swan Lake		
115	Thayer Lake		
116	Three Mile Lake		
117	Trumbull Lake		
118	Tuttle Lake		
119	Twelve Mile Creek Lake		

No.	Lake Name		
120	Union Grove Lake		
121	Upper Gar Lake		
122	Upper Pine Lake		
123	Viking Lake		
124	Volga Lake		
125	West Okoboji Lake		
126	West Osceola		
127	White Oak Lake		
128	Williamson Pond		
129	Willow Lake		
130	Wilson Park Lake		
131	Windmill Lake		
132	Yellow Smoke Park Lake		

(A copy of the amendment is available in the Department's Record Center.)

Liz Christiansen briefed the Commission on the contract.

Mary Skopec distributed a fact sheet on the lake monitoring progress to date.

A copy of the fact sheet is available in the Department's Record Center)

Motion was made by James Braun to approve the contract as presented. Seconded by Kelly Tobin. The result of the voting was 8 aye votes with Darrell Hanson abstaining.

APPROVED AS PRESENTED

NOTICE OF TERMINATION: CHAPTER 9 – DELEGATION OF CONSTRUCTION PERMIT AUTHORITY AND CHAPTER 11 – TAX CERTIFICATION OF POLLUTION CONTROL OR RECYCLING PROPERTY

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached draft Notice of Termination relating to previously proposed amendments to 567 Chapters 9 and 11, Iowa Administrative Code.

This action is being proposed in response to numerous comments received concerning the Department's certification of pollution control property tax exemptions relating to animal feeding operations. The Department intends to reevaluate its current statutory interpretation, policies, and procedures for certification of pollution control property tax exemptions for animal feeding operations and address the interested parties concerns in a more comprehensive manner.

(A copy of the Notice of Termination is available in the Department's Record Center.)

Mike Valde briefed the Commission on the rulemaking. He said due the vast amount of comments received the Department believes that the Department needs to reevaluate the rule before presenting a rulemaking.

Motion was made by Kelly Tobin to approve the termination of rulemaking. Seconded by James Braun. Motion carried unanimously.

RULEMAKING TERMINATED

CONTRACT - NONPOINT SOURCE POLLUTION CONTROL PROJECT

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the following 15 contracts for nonpoint source (NPS) pollution control projects. The total amount of the contracts is \$3,780,843.

The funds for these contracts will come from the FFY2001 Section 319 grant. This EPA grant is awarded specifically to be used for these nonpoint source pollution control projects. Funding from other state and federal programs is also being used to support many of these projects. Most of these projects are multiple year projects and Commission approval is being sought for the entire project periods.

The Section 319 funds to be provided during the entire project period, project descriptions, and the activities supported with the Section 319 funds are provided below.

Contracts with the Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (IDALS/DSC):

- **Rock Creek Lake Watershed Improvement Project, Jasper County, \$200,000** – This contract will provide funding support to continue an ongoing watershed project to protect and improve the water quality of Rock Creek Lake. Rock Creek Lake is included on the 303(d) list of impaired waters due to siltation and nutrients. This project will work closely and cooperatively with the TMDL efforts being undertaken in the watershed. Reduction of sediment and nutrient delivery to the lake will be accomplished through the implementation of best management practices (BMPs) such as ponds and other grade stabilization structures, riparian buffers on crop and pasture lands, livestock exclusion from stream corridors, streambank stabilization, terraces and wetlands. In addition, a comprehensive information and education program will be implemented. Contract funds will be used to support the project coordinator, a project technician, the I&E program, and financial incentives for implementation of BMPs.
- **Clear Lake Water Quality Project, Cerro Gordo and Hancock Counties - \$200,000** This contract will support a one-year extension of an ongoing project. This is a project to protect and improve the water quality of Clear Lake. Clear Lake and the associated Ventura Marsh are both included on the 1998 303(d) list of impaired waters. Project activities include nutrient management demonstration sites, nutrient management practices, wetland

construction, and no-till and other conservation tillage practices. Contract funds will be used to support salary and benefits for the project coordinator and financial incentives for the implementation of BMPs.

- **Water Quality in Rathbun Lake: Lake Rathbun Information/Education Program, Wayne County - \$50,000** This contract will support a two-year extension of an ongoing information and education program that complements and supports current and future efforts to reduce the impact of agricultural nonpoint sources of water quality impairment in Rathbun Lake. Project activities include the implementation or field demonstration of BMPs for cropland, pasture, hayland, and woodlands; conducting workshops for these BMPs; creating a web page to inform the public about the Rathbun Lake watershed activities; continuing the baseline water quality monitoring program; and conducting surveys of farm operations in the watershed. Contract funds will be used to support these activities as well as the development of water quality fact sheets.
- **Upper Maquoketa River Water Quality Project, Fayette County - \$80,000** This contract will support a one-year extension of an ongoing project to protect and improve water quality in the Upper Maquoketa River, a portion of which DNR maintains as a "put-and-take" trout fishery. BMPs being implemented under the project include: contouring, conservation tillage, grassed waterways, stream bank stabilization, nutrient and pest management practices, water and sediment control basins, grade stabilization structures, animal waste control structures, buffers, managed grazing systems, critical area seedings, and wetlands. Contract funds will be used to support the salary and benefits of a project coordinator, and financial incentives for implementation of BMPs.
- **Maquoketa River Alliance Information/Demonstration Project, Jones County – \$108,200** This contract will support a one-year extension of an ongoing public information/education and demonstration program within the Maquoketa River watershed. The project provides information to farmers and other stakeholder groups within the watershed on water quality problems and highlights BMPs that are being or need to be implemented in the watershed. The project is also establishing and publicizing demonstration sites showing use of new or innovative practices for which cost share funds are not currently available or practices which currently receive little use due to inadequate levels of cost share being available. Practices shown at these demonstration sites include animal waste management systems, stream bank stabilization, livestock exclusion/rotational grazing, nutrient management programs, and vegetated filter strips. Contract funds will be used to support the salary and benefits of a project coordinator and provide financial incentives for demonstration site establishment.
- **South Pine Stream Project, Winneshiek County – \$114,700** this contract will support a two-year extension of a project previously funded by DSC/IDALS. This is a project to protect and improve the water quality of South Pine Creek, a cold water trout stream. South Pine Creek currently supports the last naturally reproducing population of brook trout in Iowa. BMPs proposed include terraces, grade stabilization structures, no-till, pasture management, stream bank stabilization, animal manure control structures, and others. Also proposed is a nutrient and pest management education program and other information and education activities. Contract funds will be used to support salary and benefits for the project

coordinator, and financial incentives for the implementation of BMPs.

- **Hallett's Quarry Lake Watershed Project, Story County – \$210,500** This contract will support a new two-year project to protect and improve the water quality of Hallett's Quarry Lake. The City of Ames plans to develop Hallett's Quarry Lake into a recreational lake and to use the lake as a potential source of recharge water for the alluvial aquifer (the drinking water source for the City of Ames) in extremely dry weather conditions. BMPs proposed include grade stabilization structures, grassed waterways, buffer strips, and no-till. Also proposed is a nutrient and pest management education program and other information and education activities. Contract funds will be used to support salary and benefits for the project coordinator and financial incentives for implementation of BMPs.
- **Grannis Creek Watershed Project, Fayette County – \$307,518** This contract will support a new three-year project to protect and improve the water quality of Grannis Creek, a cold water trout stream. BMPs proposed include stream bank stabilization, pasture management, terraces, timber stand improvement, constructed wetlands, contour buffer strips, grade stabilization structures, and animal manure control structures. Also proposed are a nutrient and pest management education program and other information/education activities. Contract funds will be used to support salary and benefits for the project coordinator and financial incentives for implementation of BMPs.
- **Bloody Run Watershed Project, Clayton County - \$385,000** This contract will support a new three-year project to protect and improve the water quality of Bloody Run Creek, a cold water trout stream. Best management practices proposed include terraces, grade stabilization structures, water & sediment control basins, grassed waterways, pasture management, timber stand improvement, animal waste management systems, stream bank protection and promotion of CRP enrollment. Also proposed are a nutrient management education program and other information/education activities. Contract funds will be used to support salary and benefits for the project coordinator and financial incentives for implementation of BMPs.
- **Winterset Municipal Water Supply - Cedar Lake, Madison County - \$526,150** This contract will support a new three-year project to protect and improve the water quality of Cedar Lake, the water supply source for the City of Winterset and included on the 1998 303(d) list of impaired waters. Nitrate levels in finished water drawn from Cedar Lake frequently approach or exceed MCL standards, and DNR's Water Supply Section is requiring action be taken to reduce nitrate levels in Winterset's drinking water. A major focus of this project will be to reduce nitrate levels in Cedar Lake by constructing nitrate removal wetlands below tile lines throughout the watershed. Other BMPs proposed include nutrient and pest management, rotational grazing, terraces, grade stabilization structures, and promotion of CRP for contour buffer strips and riparian buffers. Information/education activities will also be included. Contract funds will be used to support salary and benefits for the project coordinator, and financial incentives for implementation of BMPs.
- **Lake Macbride Watershed Project, Johnson County - \$284,621** This contract will support a new three-year project to protect and improve the water quality of Lake Macbride, included on the 1998 303(d) list of impaired waters. This project will address both agricultural and

urban NPS issues. BMPs proposed include conservation buffers, wetlands, animal waste control structures, grassed waterways, nutrient and pest management, grade stabilization structures, water and sediment control basins, erosion control matting, mulching/composting, pasture management, stream bank stabilization, and others. This project will also include information/education activities. Contract funds will be used to support the salary and benefits for the project coordinator and financial incentives for implementation of BMPs.

- **Arbor Lake Watershed Project, Poweshiek County - \$198,000** – This contract will support a new two-year project to protect and improve the water quality of Arbor Lake, which is located within the City of Grinnell and included on the 1998 303(d) list of impaired waters. This project will focus on urban NPS issues, including stream bank erosion. Proposed BMPs include installation of riffle pools, native landscape buffers, wetlands, filtration plantings, and CSR stormceptors. This project will also include information and education activities. Contract funds will be used to support salary and benefits for a half-time project coordinator and financial incentives for implementation of BMPs.

Contracts with Iowa State University:

- **Alternative Technologies for Handling and Treating Effluent from Open Feedlots, \$312,000** – This contract will support a project sponsored by ISU in conjunction with the Iowa Beef Center to identify alternative waste management technologies (such as wetlands and grass filters) which have the potential for use with the smaller open feedlots (under 1000 animal units). These technologies will be demonstrated for their effectiveness in protecting water quality. Water quality monitoring will be used to verify the results. A statewide information and education program on open feedlot waste management will be conducted. Contract funds will be used to support project staff, demonstration site construction and monitoring, and information/education program materials.
- **Composting/Filter Strip Demonstration, \$124,654** – This contract will support a project, conducted at the ISU Dairy Farm to demonstrate the effectiveness of composting livestock manure with yard waste and using vegetative filter strips to treat runoff and leachate from the composting operation. Water monitoring will be conducted to verify effectiveness of the filter strips in reducing pollutant movement from the site. In addition, this site will serve as an education and demonstration site showing how to manage livestock manure/urban yard waste combinations in a windrow composting facility and control runoff from such a facility. Contract funds will be used to support project staff and the water quality monitoring.

Contract with City of Cedar Rapids - McCloud Run Coalition Trout Stream Protection Project – \$679,500. This contract will support a three-year project to protect and improve the water quality of McCloud Run, an urban cold water trout stream located in Cedar Rapids. McCloud Run is Iowa’s only urban trout stream and presents a unique variety of water quality problems and issues. BMPs proposed as part of this project include bank hides, artificial riffles, storm water detention basins, bioengineering for overhead bank cover, silt/trash interceptors and others. Water quality monitoring will also be initiated and a comprehensive information and education program will be conducted to promote the project within the watershed. Contract funds will be used to support salary and benefits of a part-time project coordinator, an information/education program, and financial incentives for implementation of BMPs.

Mike Valde briefed the Commission on the contracts. He said five of the projects would deal with water bodies that are on the impaired waters list.

Elizabeth Horton Plaskett (Nonpoint Source Pollution Control Project)

Elizabeth Horton Plaskett with the Iowa Environmental Council said that she was there on the behalf of Steve Veysey from the Hawkeye Fly Fishing Association and would like to express their strong support for these contracts.

Motion was made by Kathryn Murphy to approve the contracts as presented. Seconded by Lori Glanzman. The result of the voting was eight aye votes with one abstention.

APPROVED

FINAL RULE, CHAPTER 60, SCOPE OF TITLE – DEFINITIONS – FORMS – RULES OF PRACTICE

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt an amendment to Chapter 60 of the department’s rules. This amendment will modify the definition of “storm water discharge associated with industrial activity,” to allow more facilities to be exempted from storm water permitting if no industrial activities or materials are exposed to precipitation. These changes are consistent with changes to federal storm water regulations generally known as the Phase 2 storm water regulations and will result in fewer Iowa industries needing an NPDES storm water permit.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on November 14, 2001. No comments were received during the comment period or at the public hearing and the proposed final rule is the same as published in the Notice of Intended Action.

(A copy of the rule is available in the Department’s Record Center)

Mike Valde briefed the Commission on the rulemaking. He said the public comment period was open for thirty days and a public hearing was held but no comments were received.

Motion was made by Lori Glanzman to approve the final rule as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

CONTESTED CASE APPEAL – R. EXCAVATING, INC.; RANDY S GOLDEN

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On October 18, 2000, the department issued Administrative Order No. 2000-WW-29 to R. Excavating, Inc. and Randy S. Golden. That action required the parties to comply with storm water permit requirements and to pay a penalty of \$10,000. That action was appealed by the parties, and the matter proceeded to administrative hearing on November 7, 2001. The Administrative Law Judge issued the Proposed Decision on November 21, 2001. The decision affirms the Order and clarifies the amount owed for permit fees.

Mr. Golden has appealed this Proposed Decision to the Commission. The Proposed Decision and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mike Murphy said the Department has received an appeal but the attorney for R. Excavating, Inc did not wish to appear for oral argument. He said the Department felt the decision was clear and that the law judge followed the law they therefore urge the Commission to uphold the decision.

Motion was made by Darrell Hanson to uphold the Law Judge's decision. Seconded by James Braun . Motion carried unanimously.

DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

a. Dennis Severson, dba Huxley Dry Cleaners (Huxley) – air quality

Mike Murphy briefed the Commission on the case.

Motion was made by Kathryn Murphy to refer Huxley Dry Cleaners to the Attorney General. Seconded by Darrell Hanson. Motion carried unanimously.

REFERRED

b. Teckenberg, Inc. and Jerry Teckenberg (Cedar Falls) – underground tanks

Mike Murphy said that Jerry Techenberg, requested the Department withdraw at this time to allow more time to work it out.

REFERRAL WITHDRAWN

PROPOSED CONTESTED CASE DECISION – CITY OF CARTER LAKE

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On March 8, 2001, the department issued Administrative Order No. 2001-SW-02 to the City of Carter Lake. That action required the city to provide for the establishment and operation of a comprehensive solid waste reduction program, to file a comprehensive plan, and to pay a \$2,000 penalty. That action was appealed, and the matter proceeded to administrative hearing on January 11, 2002. The Administrative Law Judge issued the attached Proposed Decision on February 1, 2002. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

No Action Taken

DECISION UPHELD

PROPOSED CONTESTED CASE DECISION – JULIE ROWE, D/B/A JEWEL'S FOOD & SPIRITS

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On August 18, 1999, the department issued Administrative Order No. 1999-WS-30 to Julie Rowe, d/b/a Jewel's Food & Spirits. That action required this public water supply facility to submit an engineering report regarding its nitrate contamination, to monitor for nitrate monthly, to properly operate, monitor, and report relating to its disinfection facilities, to provide public notice of violations, and to pay a \$1,000 penalty. That action was appealed, and the matter proceeded to administrative hearing on January 18, 2002. The Administrative Law Judge issued the attached Proposed Decision on February 8, 2002. The decision affirms and modifies the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

No Action Taken

DECISION UPHELD

PROPOSED CONTESTED CASE DECISION – ABC DISPOSAL SYSTEMS, INC.

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On July 24, 2001, the department issued Administrative Order No. 2001-SW-11 to ABC Disposal Systems, Inc. That action required the company to submit permit applications or cease operations, and to pay a \$5,000 penalty. That action was appealed, and the matter proceeded to administrative hearing on January 7, 2002. The Administrative Law Judge issued the attached Proposed Decision on February 7, 2002. The decision affirms the Order, with the exception of reversing the penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

No Action Taken

DECISION UPHELD

PROPOSED CONTESTED CASE DECISION – BEE RITE TIRE DISPOSAL, INC.

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On October 8, 2001, the department issued a Notice of Intent to Revoke Waste Tire Processing Permit #64-WTM-01-96W-PRT, issued to Bee Rite Tire Disposal, Inc. On December 26, 2001

the department issued Emergency Administrative Order No. 2001-HC-01 to this company requiring that it cease accepting waste tires until a tire fire at the facility was completely extinguished and the facility was brought into compliance. Those actions were appealed by Bee Rite. The matter proceeded to administrative hearing on February 12, 2002. The Administrative Law Judge issued the attached Proposed Decision on February 21, 2002. The decision affirms the department's actions.

Any party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

No Action Taken

DECISION UPHELD

PROPOSED RULE – CHAPTER 133, NATURAL RESOURCE DAMAGES CLAIMS

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

Draft rules on the subject of “natural resource damages” claim will be presented to the commission, and brought back to the commission next month for approval of a Notice of Intended Action, to start the formal rulemaking process. The preamble in the attached draft rule explains the background.

(A copy of the rule is available at the Department's Record Center)

Mike Murphy said this rule is intended to flesh out and implement policies regarding the recovery of damages to the natural resources resulting from pollution events.

Jeff Vonk said that the Department would be working with the Legislature to make sure they have the statutory authority for the rule changes they are proposing.

Elizabeth Horton Plaskett (Chapter 133)

Elizabeth Horton Plaskett with the Iowa Environmental Council said they are highly supportive of amending Chapter 133 and feel it is imperative that a greater value be assigned to Iowa's Natural Resources.

INFORMATION ONLY

AIR QUALITY - TITLE V FEE BUDGET REVIEW

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to consider the SFY 2003 Title V budget in anticipation of setting the annual Title V fee. The entire Air Quality Bureau budget is provided for your information. Expenditures paid from the Title V fee fund are detailed in the budget. A summary of anticipated revenues is outlined on the final page of the budget. A description of all expenditure areas and funding sources is listed below.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. The fee is used to support the development and administration of activities associated with major sources subject to the Title V Operating Permit Program.

Annually on March 31, sources required to obtain Title V Operating Permits submit to the Department annual emissions statements for the previous calendar year. The Department totals these emissions and provides that information to the Commission no later than the May meeting. The Commission will then be asked to set the fee based on the program budget.

Title V Budget Changes - Total Title V Fund expenditures are proposed to be increased from the current SFY 2002 budget levels by nearly \$297,000 in the draft SFY 2003 budget. Details on where changes to the budget are being proposed are listed line-by-line in the attached spreadsheet in the "Notes" column. The majority of the increased cost is associated with increased personnel cost for FTE and Professional Service staff.

Balance Forward Funds - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. In SFY 2001 the Bureau eliminated the balance forward and had a slight negative balance forward.

Expenditures and Funding - The Air Quality Budget is divided into three primary areas: Air Quality Program, Air Title V Program, and PM2.5 Monitoring. Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources:

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
Air Title V includes:		
Title V Information & Education	1556	TV Fees
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
PM 2.5 Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103

- * CAA 105 - Clean Air Act section 105 grant with a state match required
- CAA 103 - Clean Air Act section 103 grant with no state match required
- GF - Legislatively appropriated General Funds
- TV Fees - Title V fees

(A copy of the Title V Fee Budget is available in the Department's Record Center.)

Mike Valde said that every year there has been a positive balance in the Title V Account, which is not the case this year so there will be a fee increase this year.

Catharine Fitzsimmons and Corey McCoid briefed the Commission on the procedure for preparing the Title V Fee Budget.

INFORMATION ONLY

Mike Valde handed out draft rules for Chapters 38, 64, and 82.

PROPOSED RULE, CHAPTER 38, PRIVATE WELL CONSTRUCTION PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with draft rule amendments to Chapter 38 – Private Well Construction Permits. The amendments being proposed would:

- increase the fees for state-issued private well permits and require that a portion of the fee collected by counties with delegated permitting authority be submitted to the Department;
- require that construction permits be obtained for significant modifications to existing wells;
- allow the Department to contract for well permitting in those counties that do not accept delegation (e.g., allowing a neighboring county to run the program); and
- require the use of uniform statewide well numbering and allow for identification tagging of wells.

The fee increases are needed to effectively administer the private well program without additional state resources. This increase would allow the Department to contract for permit services in those counties that do not accept delegation, to maintain a database of private well data, and to use the data information to better enforce the private well construction rules.

Mike Valde briefed the Commission on the proposed rule.

INFORMATION ONLY

PLAN FOR PROTECTING AIR QUALITY NEAR ANIMAL FEEDING OPERATIONS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Department will provide to the Commission a plan related to emissions from animal feeding operations. The plan is based on recommendations included in the recently released Iowa Confined Animal Feeding Operations Air Quality Study (Final Report) presented to the Commission at the February 2002 meeting.

The plan will include:

- 1) A schedule for adopting rules related to ambient air quality standards for hydrogen sulfide, ammonia, and odor,
- 2) An ambient air quality monitoring strategy,
- 3) An estimate of the resources necessary to implement the plan.

(A copy of the proposed plan is available in the Department's Record Center.)

Mike Valde said in response to the Iowa Confined Animal Feeding Operations Air Quality Study the Department proposes a two-phase plan. The first phase will be to adopt ambient air quality standards for hydrogen sulfide, ammonia, and odor based on the recommendations in the report. The second aspect of phase-one will be to establish ambient air quality monitoring locations for hydrogen sulfide, ammonia, and odor. Phase-two of the plan will be to use the information gathered through the monitoring program to determine whether it would be necessary to develop emission standards, work practices, or a regulatory program. The Department plans to bring a notice of intended action before the Commission in April to establish the air quality standards. The Department will also be seeking the resources to purchase the monitoring equipment. After the Department has had a chance to monitor the emission they plan to establish a science advisory committee to analyze the data collected and then determine what kind of regulatory program is needed.

Larry Ginter (Air Quality Rules)

Larry Ginter a member of Iowa Citizens for Community Improvement said that he was unhappy about the proposal by the Department to wait two years before the Department can enforce the clean air standards.

Jeff Vonk said that once the standard is set through the rulemaking process the Department would do its best within its resources to respond to complaints. In the meantime there will need to be monitors to determine whether or not there are exceedances to the standards.

Kurt Kelsey (Air Quality Rules)

Kurt Kelsey from Iowa Citizens for Community Improvement said he believes that the studies show that action needs to be taken immediately. The report confirms what Iowa Citizens for Community Improvement have been saying all along, that factory farms can make people sick.

Evelyn Holtan (Air Quality Rules)

Evelyn Holtan from Iowa Citizens for Community Improvement asked if there would be a grandfather clause in the air quality standards.

Jeff Vonk said the standard would be enforced for all animal-feeding facilities regardless of age of the facility.

Evelyn Holtan said she believes that Iowa citizens would be willing to donate money to help pay for the monitoring equipment and she would like to hear from the Department before the April meeting as to how she and others can be involved in the development of the guidelines.

Leland Little (Air Quality Rules)

Leland Little, County Supervisor from Taylor County said he hoped that the Department sets the levels with the plan to enforce them if anyone is found to be exceeding them. He suggested the Department set up a Web site or a telephone number that the public can use to report possible exceedances. He said he also believes there should be a moratorium of confined animal feeding operations of over 500 animal units.

Kathleen Johnson (Air Quality Rules)

Kathleen Johnson from Murray Iowa said there is a major hog confinement three miles straight west of Murray. Because of this confinement the school fills with fumes from the hog manure. The children are kept in from recess at times because the fumes are so bad. Now there is another facility going in 2 ½ miles north of Murray.

INFORMATION ONLY

PROPOSED RULE - CHAPTER 64 --- WASTEWATER CONSTRUCTION AND OPERATION PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with proposed rule amendments to Chapter 64 to renew General Permits for storm water discharges.

General permits issued by the Department can only be issued for a maximum of five years. General Permit Nos. 1, 2, and 3 expire in October 2002 and the amendments will renew the permits for another five years. These permits cover various industrial activities and construction site activities and no changes to permit conditions are being proposed at this time, other than the effective dates. However, the Department is considering the possibility of increasing the General Permit fees and will discuss this with the Commission.

More substantial changes to the General Permits (e.g., reducing the threshold for construction site permits from five acres to one acre) will be proposed at a future time to reflect federal Phase 2 storm water rules and these rules are currently being developed.

Mike Valde briefed the Commission on the rulemaking.

Jack Riessen said that they are proposing to renew general permits without raising fees at this time. However an increase in fees may be necessary in the future.

INFORMATION ONLY

PROPOSED RULE, CHAPTER 82, WELL CONTRACTOR CERTIFICATION

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with draft rule amendments to Chapter 82 – Well Contractor Certification. The amendments being proposed would:

- create a new category of “Certified Well Plugging Contractor” for contractors that only plug large diameter wells;
- increase renewal fees for well contractors and add a fee for renewal without CEU’s;
- allow the well contractor certification test to be taken by county sanitarians (this would not allow them to become certified contractors unless they meet all of the well contractor qualifications);
- change the allowance for oral examination and allow for reasonable accommodation;
- decrease the CEU requirements for certified well drillers; and
- establish CEU requirements for certified well pluggers.

The fee increases are needed to effectively administer the certification program without additional state resources. The proposed certification category for plugging large diameter wells responds to a request to allow less qualified contractors to plug large diameter wells in areas where certified well drillers are not available.

Mike Valde briefed the Commission on the rulemaking.

INFORMATION ONLY

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report

8. Contested Case Status Report

9. Waste Water By-passes Report

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	REVIEW COMMITTEE	RULES HEARING	COMMENT PERIOD	SUMMARY TO COMMISSION	FINAL RULES ADOPTED	RULES PUBLISHED	ARC #	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 1, 9 and 11 - EPC Quorum Voting Requirements	9/17/01	10/17/01	102 0B	11/13/01	11/08/01	11/19/01	TERMINATION 3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
2. Ch. 20, 22, 23, and 25 - Air Quality Updates, Revisions and Additions	11/19/01	12/12/01	119 1B	1/08/02	1/10/02	1/25/02	2/18/02	2/18/02	*3/20/02		*4/09/02	*4/24/02
3. Ch. 22 - Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01	102 4B	11/13/01	11/26/01	11/30/01	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
4. Ch. 22 - Title V Insignificant Activities	2/18/02	*3/20/02		*4/09/02			*5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
5. Ch. 38 - Private Water Well Construction Permits	*4/15/02	*5/15/02		*6/04/02			*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
6. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01	112 2B	12/11/01	12/04/01	12/04/01	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
7. Ch. 60 - Wastewater Treatment & Disposal	5/21/01	11/14/01	112 4B	12/11/01	12/04/01	12/04/01	3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
8. Ch. 61 - WO Standards - Section 404 Permits	12/17/01	1/09/02	124 5B	2/04/02	1/29/02 1/30/02 2/1/02 2/04/02 2/05/02 2/06/02	2/18/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
9. Ch. 61 - WO Assessment - Qualified Volunteers	12/17/01	2/06/02	135 1B	3/08/02	2/27/02 3/01/02 3/07/02	3/07/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
10. Ch. 64 - Wastewater Construction & Operation Permits	*4/15/02	*5/15/02		*6/04/02			*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
11. Ch. 65 - Proposed Fee Increase for Certified Manure Applications	1/22/02	2/20/02	138 4B	3/08/02	3/20/02	3/12/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
12. Ch. 66 - Definition of Adjacency for Open Feedlots	2/18/02	*3/20/02		*4/09/02			*5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
13. Ch. 82 - Well Contractor Certification	*4/15/02	*5/15/02		*6/04/02			*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
14. Ch. 104, 106 - Recycling Operations	2/18/02	*3/20/02		*4/09/02			*5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
15. Ch. 105 - Organic Materials Composting Facilities	1/22/02	2/20/02	138 7B	3/08/02	3/14/02	3/14/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
16. Ch. 107 - Beverage Container Deposits	12/17/01	1/09/02	124 6B	2/08/02	1/29/02	1/29/02	3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/14/02
17. Ch. 109 - Special Waste Authorizations	11/19/01	12/12/01	119 0B	1/08/02	1/03/02	1/04/02	3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
18. Ch. 111 - Financial Assurance Requirements for Municipal SW Landfills	12/17/01	1/09/02	126 3B	2/04/02	2/12/02	2/12/02	3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/14/02
19. Ch. 113 - Compensation for Damage to Natural Resources	*4/15/02	*5/15/02		*6/04/02			*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
20. Ch. 117, Ch. 219 - Waste Tire Management	1/22/02	2/20/02	138 6B	3/08/02	3/12/02	3/12/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
21. Ch. 118 - Discarded Appliance Demanufacturing							3/18/02	*3/18/02	*4/17/02		*5/07/02	*3/29/02
22. Ch. 118 - Discarded Appliance Demanufacturing	3/18/02	*4/17/02		*5/07/02	*5/14/02	*5/14/02	*6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02
23. Ch. 119, 144, 210, 211, 212 & 214 - Waste Management Asst. Division Rule Revisions	9/17/01	10/17/01	102 2B	11/13/01	11/27/01	11/27/01	1/22/02	1/22/02	2/20/02	138 5B	3/08/02	*3/27/02
24. Ch. 132 - Transportation of Radioactive Materials in Iowa	10/22/01	11/14/01	112 3B	12/11/01		12/04/01	2/18/02	2/18/01	*3/20/02		*4/09/02	*4/24/02
25. Ch. 133 - Rules for Determining Clean-Up Actions & Responsible Parties	*4/15/02	*5/15/02		*6/04/02			*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
26. Ch. 136 - Financial Responsibility for USTs	12/17/01	1/09/02	126 2B	2/08/02	1/29/02	2/01/02	3/18/02	*3/18/02	*4/02/02		*5/07/02	*5/14/02

Monthly Variance Report

February, 2002

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	ADM-Clinton	Air Quality		Permit Requirements	Approved	02/04/02
2	Salsbury Chemicals-Charles City	Air Quality		Permit Requirements	Approved	02/04/02

3	West Bend, City of	Watersupply Construction	Kuehl & Payer, Ltd.	Design Basis	Approved	02/25/02
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During the period February 1, 2002, through February 28, 2002, 61 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	81 (55)	4 (7)	59 (36)	18 (12)	21 (13)	53 (33)	0 (0)	3 (0)	0 (0)	4 (9)
February	61 (58)	4 (0)	44 (43)	13 (15)	20 (14)	36 (36)	1 (0)	2 (4)	1 (1)	1 (3)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	344 (275)	27 (14)	247 (189)	70 (71)	119 (78)	186 (164)	7 (0)	6 (10)	5 (3)	21 (20)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
11	5	9	4	17	15

*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown, and Other.

During the period February 1, 2002, through February 28, 2002, 0 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	3 (0)	7 (3)	1 (0)	0 (0)	0 (0)	1 (1)

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December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (4)	0 (0)	0 (4)	0 (0)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)	0 (2)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	17 (15)	1 (0)	7 (10)	4 (4)	0 (0)	13 (14)	1 (1)	2 (0)	0 (0)	4 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	0	0	0

NAME, LOCATION AND FIELD OFFICE NUMBER	PROGRAM	ALLEGED VIOLATION	ACTION	DATE
TA Operating Corp. d/b/a Travel America Truck Plaza, Council Bluffs (4)	Underground Tank	UST System Deficiencies	Order/Penalty \$2,500	2/5/02
Bill's, Inc.; William Brown, Jr., Council Bluffs (4)	Underground Tank	UST System Deficiencies	Order/Penalty \$1,500	2/5/02
Pigman, Ltd. Shelby Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard; Failure to Report a Release	Consent Order \$500	2/14/02
Bunge Corporation, Council Bluffs (4)	Air Quality	Emission Standards	Amended Order \$4,000	2/14/02
NZMP (USA), Inc. Allerton (5)	Wastewater	Pretreatment	Order/Penalty \$7,000	2/14/02
Allerton, City of (5)	Wastewater	Pretreatment	Order/Penalty \$7,000	2/14/02
Audubon, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	2/14/02
Patrick M. Pinney Contractors, Inc., Sioux City (3)	Air Quality	Asbestos	Order/Penalty \$2,100	2/14/02
Holtze Construction Co., Sioux City (3)	Air Quality	Asbestos	Order/Penalty \$2,100	2/14/02

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Mike Messerschmidt, Martinsburg (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$500	2/14/02
Asbestos Handlers, Inc., Dubuque (1)	Air Quality	Asbestos	Order/Penalty \$4,600	2/14/02
Goldsmith and Son, Inc. d/b/a Goldsmith Trucking, Sergeant Bluff (3)	Air Quality	Construction Without Permit; Open Burning; Other	Order/Penalty \$6,000	2/14/02
Panora, City of (4)	Wastewater	Compliance Schedule	Amended Order	2/14/02
Dayton, City of (2)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	2/14/02
Michael Bauer, Davenport (6)	Underground Tank	Site Assessment	Referred to AG	2/18/02
Iowa Select Farms, L.P., Clarke Sow #20, Clarke Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to AG	2/18/02
Bubba's Bar & Grill, Cresco (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$175	2/22/02
Oran Pub & Grill, Fairbank (1)	Drinking Water	Monitoring/Reporting – Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty \$100	2/22/02
The Old Store, Postville (1)	Drinking Water	Compliance Schedule; MCL – Nitrate; Monitoring/Reporting – Nitrate	Order	2/25/02
Nob Hill Supper Club, Decorah (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Operational Violations; Certified Operator; Public Notice	Order	2/25/02
Beacon, City of (5)	Wastewater	Compliance Schedule	Amended Order	2/25/02
Well's Dairy, Inc., LeMars (3)	Wastewater	Pretreatment	Order/Penalty \$10,000	2/25/02
Honey Creek Campground, Crescent (4)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Operation Without Permit; Public Notice	Order/Penalty \$1,000	2/25/02
Dedham, City of (4)	Air Quality	Open Burning	Order	2/25/02
Mark Schroeder, Carroll Co. (4)	Animal Feeding Operation	Failure to Update Plan; Record Keeping; Land Application Separation	Order/Penalty \$17,000	2/25/02

		Distance; Failure to Report a Release		
Basic Industries, inc., Clinton (6)	Air Quality	Asbestos	Order/Penalty \$4,100	2/25/02
Richard Caves; Charlotte Caves, Oskaloosa (5)	Hazardous Condition	Remedial Action	Order/Penalty \$10,000	2/25/02
Moonshine Tap, New Hampton (1)	Drinking Water	Monitoring/Reporting – Bacteria; Public Notice	Order/Penalty \$300	2/25/02

The following administrative penalties are due:

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	1,500	3-15-02
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01

Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Leon Bachman (Independence)	AQ	500	2-08-02
Salsbury Chemicals, Inc. (Charles City) SEP	WW	2,000	2-09-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	2,800	3-15-02
Hale Tap (Olin)	WS	200	2-15-02
Scooters Tower Club (Cresco)	WS	300	2-18-02
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Days Inn 2 nd Addition (Williamsburg)	WS	10,000	4-07-02
TA Operating Corp.; Travel America Truck Plaza	UT	2,500	4-09-02
Bill's, Inc.; William A. Brown (Council Bluffs)	UT	1,500	4-10-02
Allerton, City of	WW	7,000	4-22-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-23-02
NZMP (USA), Inc. (Allerton)	WW	7,000	4-23-02
Holtze Construction Co. (Sioux City)	AQ	2,100	4-23-02
* Kiefer Built, Inc. (Kanawha)	AQ	7,500	4-30-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
PM Beef Group, LLC (Hartley) SEP	WW	4,380	----
# Lynn Barry (Harrison Co.) SEP	AFO	3,000	----
Iowa Skate U (Iowa Falls)	WS	600	----
# Kollasch Land & Livestock, Inc. (Keokuk Co.)	AFO	500	----
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	7,000	----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	----
Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	6,000	----
Patrick M. Pinney Contractors, Inc. (Sioux City)	AQ	2,100	----
Basic Industries, Inc. (Clinton)	AQ	4,100	----
Honey Creek Campground (Crescent)	WS	1,000	----
Oran Pub & Grill (Fairbank)	WS	100	----
Bubba's Bar & Grill (Cresco)	WS	175	----
Well's Dairy, Inc. (LeMars)	WW	10,000	----
# Mark Schroeder (Carroll Co.)	AFO	1,700	----
Asbestos Handlers, Inc. (Dubuque)	AQ	4,600	----
Richard and Charlotte Caves (Oskaloosa)	HC	10,000	----
Moonshine Tap (New Hampton)	WS	300	----
	TOTAL	273,541	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94

Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
West Liberty, City of	WW	5,000	
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
TOTAL		182,794	

The following administrative penalties have been appealed:

NAME / LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300

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Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Minsa Corporation (Red Oak)	WW	10,000
New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
# Leo Pieper (Guthrie Co.)	AFO	2,500
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Onawa Country Club (Onawa)	WS	1,500
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000

Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Bob Luke (Washington Co.)	AQ/SW/WW	4,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
Finney Industrial Painting, Inc. (Fairfield)	AQ	2,500
Clearfield, City of	WW	3,500
Clearfield Community School District (Clearfield)	WW	1,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Dave Kabel; Frank & Darlene Kabel (Cedar Co.)	AFO	2,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Altoona, City of	WW	10,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Heartland Express, Inc. of Iowa (Coralville)	UT	5,390
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods – Council Bluffs)	WW	10,000
Artistic Manufacturing Corp. (Altoona)	WW	2,000
Warren Frozen Foods (Altoona)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
George Redman (Mitchellville)	AQ	6,000
John Cox (Pottawattamie Co.)	AQ/SW	3,000
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000
Advance Millwork, Inc. (North Liberty)	AQ	5,000
Montgomery County Landfill Association (Red Oak)	SW	5,000
# Bradley R. Jochum (Salix)	AFO	1,600
Art's Way Manufacturing Co. (Armstrong)	AQ	5,000
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500
TOTAL		425,760

The following administrative penalties were paid last month:

Pigman, LTD (Shelby Co.)	AFO	500
AGP Grain Cooperative (Klemme) (Paid 9/27/00)	AQ	1,000
Wisconsin North dba National Petroleum (Clinton)	UT	1,000
Advanced Component Technologies (Northwood)	AQ	3,500
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	100
* R.V. Hopkins, Inc. (Davenport) INTEREST	AQ	500
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	500
# Dennis Heithoff (Carroll)	AFO	2,000
TOTAL		9,100

The following penalty has been rescinded:

Kountry School (Garnavillo)	WS	400
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The following SEP payments have been made:

A \$1,500 SEP was paid by the City of Jefferson to the ISU Extension Office in Jefferson.

Affordable Asbestos
Removal, Inc.;

Referred to
Petition Filed

3/20/00
4/19/00

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Jeffrey Intelkofer Iowa City (6) UPDATED	Air Quality	Asbestos	Attorney General	Motion for Partial Summary Judgment Ruling Denying Motion Trial Continued	2/26/01 4/20/01
Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Asbestos Air Quality	 DNR Defendant	 Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Bauer, Michael Davenport NEW	(6) Underground Tank	Site Assessment	Order/Pen alty	Referred	2/18/02
Bierman, Elaine and Kurt d/b/a Osterdock Store Guttenberg UPDATED	(1) Drinking Water	Monitoring/Reporting – Bacteria; – MCL – Bacteria; Public Notice	Order/Pen alty	Referred Petition Filed Consent Decree (\$1,000/Civil; \$500/Admin.; Injunction)	7/16/01 7/20/01 1/08/02
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2) UPDATED	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance Dismissed	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00 5/04/01
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/ 01 11/19/01 1/09/02
Iowa Select Farms, L.P. Clarke Sow #20	Animal Feeding Operation	Prohibited Discharge –	Referred to Attorney General	Referred	2/18/02

Clarke NEW	Co.	(4)	Confinement			
Larson, Daryl Jones Co. (1)		Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 12/19/01
Ledenbach, Jim Paper Recovery Cedar Rapids (1)	d/b/a	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Cement Co. Mason City (2)	Portland	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk NEW	(6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Morgan, Ron Action Jack's Paintball Park Polk Co. (5)	d/b/a	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul Crestview Mobile Home Park Ames (5)	d/b/a	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)		Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Pigman, Ltd. Harlan UPDATED	(4)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred \$500 Admin. Penalty Paid Closed	1/22/02 2/01/02 2/19/02
Sunrise Dairy Farms, LLC		Animal Feeding	Construction Without	Referred to Attorney	Referred Criminal Charges Filed	8/20/01 2/07/02

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Benton Co. UPDATED	(1)	Operation	Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator ; Water Quality Violations	General	Petition Filed	2/07/02
Thomas, Donald L. and Barbara S. Linn Co.		Solid Waste	DNR Defendant	Defense	Petition for Judicial Review Answer	9/21/01 10/29/01
West Liberty, City of (6) UPDATED		Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred Petition Filed	7/16/01 1/30/02
Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3)		Air Quality	Construction Without Permit	Order	Referred	7/16/01
Winter Mobile Home Park New Hampton (1)		Drinking Water	Operation Without Permit; Monitoring/Reporting Bacteria	Order/Penalty	Referred Petition Filed	4/16/01 9/17/01
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6)		Underground Tank	UST Closure; Site Check	Order/Penalty	Referred	1/22/02
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3) UPDATED		Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01

Judgment	5/09/01
Notice of Appeal	6/07/01
State's Motion to Dismiss	6/18/01
Defendant's Motion to Dismiss	6/19/01
State's Resistance	6/20/01
Defendant's Dismissal of Appeal	7/06/01
Order Denying Defendant's Motion to Dismiss	7/20/01
Contempt Order	2/12/02
Trial Date	6/11/02

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status rep from land quality bureau 12/1/99.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	12/27/01 – Final NPDES permit issued to City resolving issues raised by a – Letter to City closing appeal of prior permit. Case closed.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report request quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01. 1 consent order 2/4/02.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon of clean-up. Clean-up scheduled for 4/02.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 company attorney regarding letter.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	1/30/02 – Update from Permits engineer – further site needs to be app information needed from Company's engineer.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures con treatment system expected to begin operation by 11/01/01.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Meeting at FO 5 held 1/12/02 regarding compliance schedule in NPDES issued 12/3/01. No appeal received. 2/1/02 – Letter to City closing app permit. 2/7/02 – Call from City attorney stating agreement with closing closed.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	2/1/02 – Penalty settlement status request to appellant.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 - FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal. 2/22/02 – Letter to facility closing appeal since all issues resolved and no penalty assessed. Case closed.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	1/30/02 – Permits staff drafted letter to Company with NPDES permit to be put on public notice. Once permit is final, appeal is resolved. 2/13/02 – WW permits sent draft permit to Grand Labs to be put on public notice.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW

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						permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	All materials ground into mulch. Mulch piles composting.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC. 1/30/02 – District court petition filed by AG's office.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	Hearing set for 3/8/02.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	2/19/02 – Option letter sent to Appellant's attorney; withdraw appeal by 3/19/02 or case will be sent to DIA.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Revised settlement offer sent 2/25/02.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	2/14/02 – Settlement letter to Appellant. Settlement payment due 3/14/02.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	ALJ decision 2/8/02 affirmed order.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	2/1/02 – Settlement request to appellant.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.

12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	2/14/02 – Settlement request to appellant's attorney. Settlement payment due 4/1/02.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	Facility upgrade completed. 3/1/02 – Settlement offer sent.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	10/24/01 – Settlement proposal.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order. Awaiting penalty payment. Referring to AG for collection.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	1/14/02 – Settlement offer tendered; awaiting WS approval.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	12/3/01 and 12/13/01 – Dept. letters to City with further comments on facility plan. 1/28/02 – Dept. letter to city with WQ based copper effluent limits.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Sent to DIA to be set for hearing.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Still negotiating. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment due 12/31/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 – Settled. Facility agreed to pay penalty in installments. 11/29/01 – First installment of penalty

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						received. 12/31/01 – Follow-up letter sent regarding penalty payment due. 1/15/02 – 2 nd penalty payment received. 2/18/02 – Penalty payment received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Proposed decision appealed to EPC. Settlement discussions continue.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing continued until 2/22/02..
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. He had done some clean-up, some remains. Letter sent with new deadline of 9/28/01. Mr. Saathoff's family will work with Dept. to resolve matter. 12/01 – Another letter sent to the family, no response. If no response is received by month's end, will be set for hearing. 2/02 – Sent to DIA to be set for hearing.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	2/19/02 – Letter giving extension to 3/8/02 to respond to Dept. settlement offer.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	Hearing held 1/11/02. 2/4/02 – Decision received affirming AO.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02. 1/14/02 – Per FO6, City given extension to 2/28/02 to submit POA. City still evaluating I/I and flows to treatment plant.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements. 8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 – Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	9/28/01 – Dept. letter to City regarding appeal. 10/10/01 – Response received from Mayor regarding appeal and CDBG pre-application.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	2/02 – Settlement offer accepted.

5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	Hearing set for 3/15/02.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Compliance achieved, negotiating penalty pending change in UST fund rule.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	Clark unable to pay.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Notice of hearing issued. Hearing set for 4/5/02.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Notice of hearing issued. Hearing set for 4/5/02.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy. Negotiating with trustee.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Negotiating penalty.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	Hearing held 1/07/02. 2/07/02 – Proposed decision affirming AO, rescinding penalty.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Meeting held 8/29/01. Negotiations continue.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	9/20/01 – Penalty received. 2/7/02 – FO informed that 6 month compliance report to be submitted soon. 2/18/02 – Letter to City regarding resolution of appeal.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
9/28/01	Bob Luke d/b/a D & R Tree Service	6	Admin. Order/Penalty	AQ/SW/W W	Tack	Settled. Payment plan to begin in March, 2002.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Compliance achieved except for probationary period.

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10/22/01	Gemini Incorporated		Permit Conditions	AQ	Booki	Modified permit issued. Appeal resolved. Case closed.
10/26/01	Postville, City of	1	Certification Suspension	WS	Wornson	Compliance achieved. Case closed.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
11/08/01	Finney Industrial Painting	6	Admin. Order/Penalty	AQ	Book	Settlement reached. Awaiting Director's signature on consent amendment.
11/14/01	Bee Rite Tire Disposal, Inc.	5	Notice of Intent to Revoke Permit	SW	Tack	Proposed decision by ALJ on 2/21/02 affirming Dept.'s revocation of permit and emergency closure.
11/19/01	Clearfield Community School District	4	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/21/01	Clearfield, City of	4	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/30/01	Dave Kabela	6	Admin. Order/Penalty	AFO	Clark	1/15/02 – Settlement letter sent.
12/03/01	Farmers Cooperative Co.	4	Admin. Order	AQ	Book	Will develop compliance plan to incorporate into the settlement of appeal. Reviewing compliance plan.
12/06/01	Pella Corporation; Sioux Center and Pella	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	3/02 – Permit application pending.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	3/02 – Permit application pending.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/21/01	Altoona, City of	5	Admin. Order/Penalty	WW	Murphy	2/1/02 – Meeting held.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
12/26/01	Dean Drees; Rimade, Inc.	4	Permit Revocation	SW	Tack	Hearing set for 3/19/02.
12/31/01	Heartland Express	6	Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/04/02	Dico, Inc.	5	Registry Notice	HC	Tack	2/19/02 – Appeal dismissed. Closed.
1/04/02	Artistic Manufacturing Corp.	5	Order/penalty	WW	Murphy	2/1/02 – Meeting held.
1/08/02	Warren Frozen Foods, Inc.	5	Order/Penalty	WW	Murphy	2/1/02 – Meeting held.
1/08/02	Bee Rite Tire Disposal	5	Order	HC	Tack	Proposed decision by ALJ on 2/21/02 affirming Dept.'s revocation of permit and emergency closure.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/10/02	Nichols Aluminum	1	Permit Denial	AQ	Book	Appeal to be resolved by further testing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.

1/14/02	AGP – Sheldon Plant	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	Negotiating before filing.
1/24/02	Bowlaway Lanes	1	Order/Penalty	WS	Tack	Negotiating before filing.
1/28/02	Ira Community Service Assoc.		Permit Conditions	WS	Hansen	Negotiating before filing.
1/28/02	John Cox	3	Order/Penalty	AQ/SW	Book	Negotiating before filing.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Negotiating before filing.
1/29/02	Van Meter Development Corp. (Whispering Pines)	5	Order/Penalty	WW	Murphy	New case.
1/29/02	Advance Millwork of Iowa	6	Order/Penalty	AQ	Book	New case. Settlement reached. Awaiting consent amendment.
1/30/02	Montgomery County Landfill Association	4	Order/Penalty	SW	Tack	New case.
2/06/02	Art's Way Manufacturing	3	Order/Penalty	AQ	Book	New case. Awaiting as-built submittals by 4/1/02 prior to meeting.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	New case.
2/11/02	Bradley Jochum	2	Order/Penalty	AFO	Clark	New case.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	New case.
2/22/02	Well's Dairy, Inc.	3	Permit Conditions	AQ	Book	New case. Appeal of 14 construction permits. Meeting to be scheduled week of 3/11/02.

During the period February 1, 2002 through February 28, 2002, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	9(5)	1	.0211	0	0(0)
November	4(1)	1	0.00133	2	0(0)
December	3(1)	2	3.50002	1	0(0)
January	4(5)	1	.007485	1	0(0)
February	5(2)	1.2	.012	2	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.78	.044	0	1(0)
September	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	0	0	2	2

INFORMATIONAL ONLY

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 2:15 p.m., Monday, March 18, 2002.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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